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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,725	10/09/2003	Jeffrey A. Roberts	RobertsBoomStand	1628

27119 7590 05/03/2005

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EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/683,725	Applicant(s) ROBERTS ET AL.	
	Examiner Korie H. Chan	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/9/2003.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-23 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/24/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "328" has been used to designate both lock handle of clamp 300, figure 2 and lock handle of clamp 220, figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, line 9, "being convertible between said clamping and pivoting arrangements" is vague and indefinite as it is not clear what is meant by "convertible". Applicant's clamping arrangement secures the

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boom to the stand and simultaneously allowing or not allowing the pivoting arrangements. The clamping arrangement to secure the boom to the stand always exist. It is not clear what "convertible" may mean in the recitation without clamping arrangements.

Claim 19, lines 7-8 recites the language "being convertible between said clamping and pivoting arrangements" and therefore vague and indefinite as discussed above with regard to claim 1.

Regarding claim 2, "said stand" is vague and indefinite as it is not clear whether applicant is referring to the "microphone boom stand" as recited in line 1 of claim 1 or the "stand" rising from the base on line 4, of claim 1.

Regarding claim 5, line 2, "said extension lock exterior surface" lacks proper antecedent basis.

Regarding claim 6, line 2, "said backing member" and "said core" lack proper antecedent basis.

Regarding claim 8, "an object dimensioned similar to at least one of said first, second, and third arms" is vague and indefinite as it is not clear whether applicant is attempting to claim that "object" in combination therewith. and it is not clear what "similarly dimensioned" encompasses. Similar vagueness and indefiniteness occurs for the term "an object sized similar to said first, second, and third massive anchors" in the last two lines of claim 8.

Claim 15 has substantially the same recitations of claim 8 and therefore is also vague and indefinite.

Regarding claim 9, on line 7, applicant inferentially claims that there are bounding openings between the adjacent ones of the plurality of arms and anchors. For example, a two arm base with a vertical foot (equivalently named as the anchors) at its distal end does not have bounded openings nor a space by which one of the anchors is sized to fit therein as recited in claim 9, third line before last.

Regarding claim 14, applicant inferentially claims there are two bases in lines 1-2. Further, claim 14, line 3, it appears that "a generally planar surface" is referring to the same "planar surface" previously recited in claim 9 and should be corrected to "said planar surface".

Regarding claim 17, the language "an inner surface (of the clamp) operative to apply compressive forces against said first tube" appears to claim the combination of the clamp with the tube which is inconsistent with the language of the preamble which sets forth an intended use of the claimed clamp intended for use with the tube. Examiner has treated the tube as an intended use device with the claimed "clamp".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

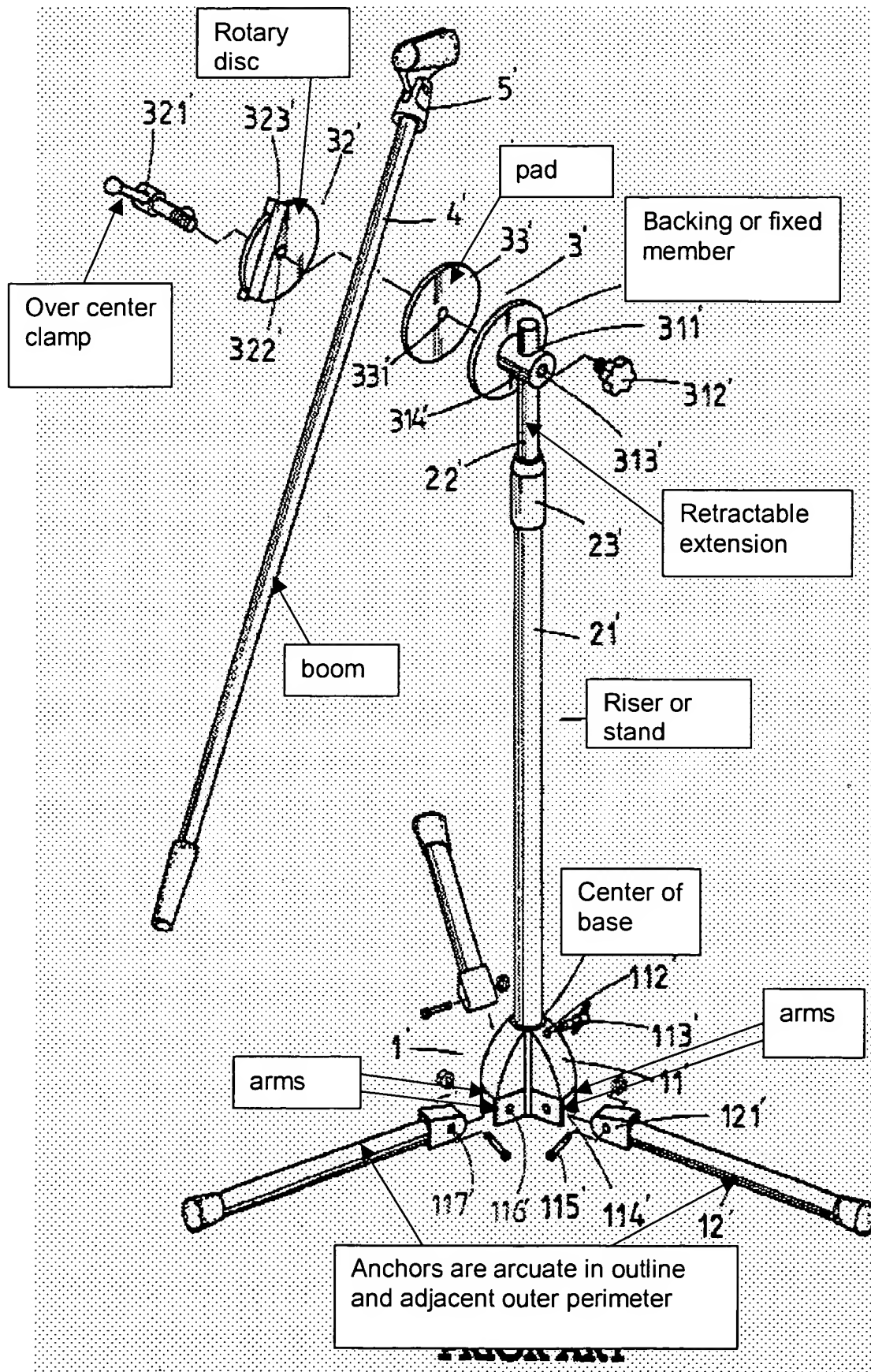
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-13 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Prior Art (figures 8-10) disclosed by Kuo (US patent no. 6,007,032). The Prior art in Kuo discloses all the claimed features of applicant's claimed invention (see the following

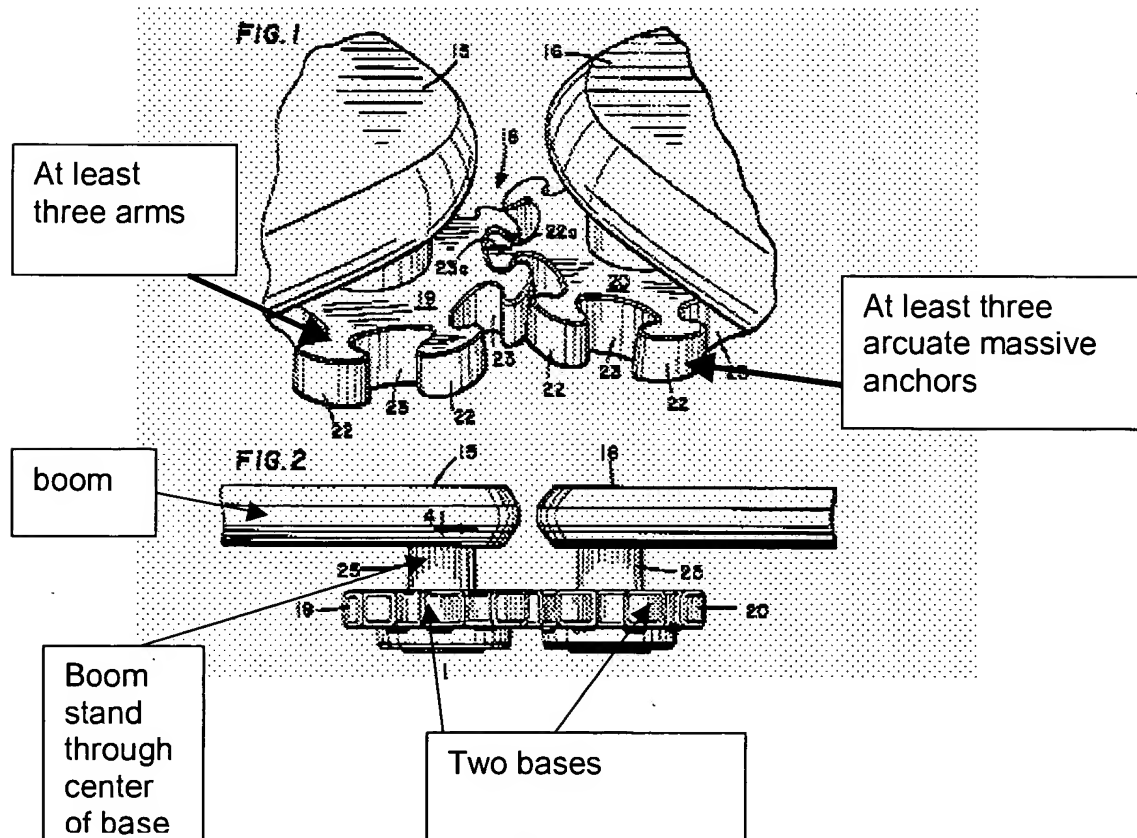
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examiner's illustration). Further, regarding claims 13, Kuo's prior art discloses the anchor (12', figure 8) is sized to be capable of fitting within the space between the anchors and has a maximum dimension (length of 12') larger than a distance between the adjacent anchors.

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Claims 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrett et al (US patent no. 6,182,580). Barrett discloses all the claimed features of applicant's invention as illustrated below.



The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-7, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (figures 8-10) disclosed by Kuo (US patent no. 6,007,032) in view of Colley (5,769,556). The prior art in Kuo discloses all the claimed features of applicant's invention as shown and discussed above. However, Prior Art of Kuo does not disclose the pad (33', figure 8) as being elastomeric. Colley teaches use of elastomeric pad (27, 29, 31, 33) between clamping members (19 and 21) for securing gripping by the clamp. It would have been obvious to one of ordinary skill in the art to have made the pad of in Kuo from elastomer material for secure gripping by the clamp as taught by Colley.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (figures 8-10) disclosed by Kuo (US patent no. 6,007,032) in view of Colley (5,769,556) and further in view of Huang (US patent no. 5,501,419). The prior art in Kuo and Colley combined disclosed all the claimed features of applicant's invention as shown and discussed above except for the base as having arcuately and discontinuously extending anchors about a circular circumference concentric to the center point. Kuo discloses the deficient of Prior Art of figures 8-10 as being unstable due to the boom. Huang teaches a stable base comprising three arms (12) and having arcuately and discontinuously extending anchors (13) about a circular circumference concentric to the

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center point (11) of the base at a distal end of each arm. It would have been obvious to one of ordinary skill in the art to have substituted the base of the prior art in Kuo and Colley combined with Huang's base for stability.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (figures 8-10) disclosed by Kuo (US patent no. 6,007,032) in view of Colley (5,769,556) as applied to claims 1-3 above, and further in view of Nakatani (US patent no. 4,596,484). The prior art in Kuo and Colley combined disclosed all the claimed features of applicant's invention as shown and discussed above. Furthermore, Prior Art in Kuo discloses an extension lock (23', figure 8) with constant longitudinal cross-section with interior surface and exterior surface. However, Kuo and Colley combined does not show the extension lock with means to apply compressive force on the inner surface of the lock. Extension lock of the type having compressive inner surface for locking two telescoping tubular supports are well-known in the art. Nakatani teaches such extension lock (6) of the type having compressive inner surface for locking two telescoping tubular supports. It would have been obvious to one of ordinary to have modify the extension lock of Kuo and Colley combined by substituting an extension lock of the compressive type as demonstrated by Nakatani. Such modification would have involved a mere substitution of one well-known extension lock with another which is thought to be well within the ambit of one of ordinary skill in the art.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (figures 8-10) disclosed by Kuo (US patent no. 6,007,032) in view of Colley (5,769,556) and Nakatani (US patent no. 4,596,484) as applied to claims 1-4 above, and further in

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view of Hisatomi et al (4,993,961). The prior art in Kuo , Colley, and Nakatani combined disclosed all the claimed features of applicant's invention as shown and discussed above except for a cord retention clip formed unitarily with the extension lock. Hisatomi teaches a lock (11) having a cord retention clip (17) unitarily formed thereon adjacent its outer surface for retaining electrical cord. It would have been obvious to one of ordinary skill in the art to have modify the extension lock of Kuo, Colley and Nakatani combined by providing unitarily a cord retention clip for retaining electrical cord therewith as taught to be desirable by Hisatomi et al.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatani (US patent no. 4,596,484) in view of Hisatomi et al (4,993,961). Nakatani teaches clamp (6) of the type having compressive inner surface for locking two telescoping tubular supports with an over-center mechanism (14) for compressing the inner surface of the clamp. However, Nakatani does not show a cord retention clip formed unitarily with the extension lock. Hisatomi teaches a lock (11) having a cord retention clip (17) unitarily formed thereon adjacent its outer surface for retaining electrical cord. It would have been obvious to one of ordinary skill in the art to have modify the clamp of Nakatani by providing unitarily a cord retention clip for retaining electrical cord therewith as taught to be desirable by Hisatomi et al.

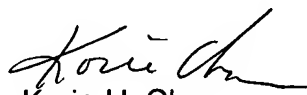
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brandt and Teppo et al further demonstrate nestable bases. Vassallo teaches base with three arms and arcuate anchors. Hoenninger and Soltow et al further teach cord retention clips.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 571-272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632